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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/628,174	07/28/2003	Hans Wilfried Peter Koops	8183	8183 5591	
75	90 07/07/2005		EXAMINER		
Kenneth L. M.			OLSEN, A	LLANW	
Woodling, Krost and Rust 9213 Chillicothe Road			ART UNIT	PAPER NUMBER	
	Kirtland, OH 44094			1763	
			DATE MAILED: 07/07/2005		

DATE MAILED: 07/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

1)⊠ Responsive to communication(s) filed on 28 July 2003. 2a)□ This action is FINAL. 2b)⊠ This action is non-final. 3)□ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4)☑ Claim(s) 1-3 and 19-44 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5□ Claim(s) is/are allowed. 6□ Claim(s) is/are rejected. 7□ Claim(s) is/are objected to. 8)☑ Claim(s) 1-3 and 19-44 are subject to restriction and/or election requirement. Application Papers 9)□ The specification is objected to by the Examiner. 10)□ The drawing(s) filed on is/are: a)□ accepted or b)□ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheel(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11)□ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12)☑ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a)□ All b)□ Some * c)☑ None of: 1.☑ Certified copies of the priority documents have been received in Application No, 3.□ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.		\mathcal{L}		1				
## Examiner Art Unit Alan Clasen 1793 - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Repty A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. • Exembors of time may be available under the provisions of 37 CFR 1.136(b), in role event, however, may a reply be thing with the correspondence address Period for reply is pecified above. The provisions of 37 CFR 1.136(b), in role event, however, may a reply be the provision of 17 CFR 1.136(b), in role event, however, may a reply be the provision of 17 CFR 1.136(b), in role event, however, may a reply be the provision of 17 CFR 1.136(b), in role event, however, may a reply be the provision of 18 CFR 1.136(b), in role event, however, may a reply be the provision of 18 CFR 1.136(b), in role event, however, may a reply be the provision of 18 CFR 1.136(b), in role event, however, may a reply be the provision of 18 CFR 1.136(b), in role event, however, may a reply be the provision of 18 CFR 1.136(b), in role event, however, may a reply be the provision of 18 CFR 1.136(b), in role event, however, may a reply be the provision of 18 CFR 1.136(b), in role event, however, may a reply be the provision of 18 CFR 1.136(b), in role event, however, may a reply be the provision of 18 CFR 1.136(b), in role event, however, may a reply be the provision of 18 CFR 1.136(b), in role event, however, may a reply be the provision of 18 CFR 1.136(b), in role event, however, may a reply be the provision of 18 CFR 1.136(b), in role event, however, may a reply be the provision of 18 CFR 1.136(b), in role event, however, may a reply be the provision of 18 CFR 1.136(b), in role event, however, may a reply be the provision of 18 CFR 1.136(b), in role event, however, may a reply be the provision of 18 CFR 1.136(b), in role event, however, may a reply be the provision of 18 CFR 1.136(b), in role event, however, may a reply be the provision of 18 CFR 1.136(b), in	<u> </u>	Application No.	Applicant(s)					
Allan Olsen 1763		10/628,174	KOOPS ET AL.					
- The MAILING DATE of this communication appears on the cover sheet with the correspondence address - Period for Repty A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be evaliable under the provision of 37 CFR 1.13(d), in or event, however, may a repty be timely filled after 30 (d) MONTHS from the mailing date of this communication of 37 CFR 1.13(d), in or event, however, may a repty be timely filled after 30 (d) MONTHS from the mailing date of this communication of 37 CFR 1.13(d), in or event, however, may a repty be timely filled after 30 (d) MONTHS from the mailing date of this communication of 37 CFR 1.13(d), in or event, however, may a repty be timely filled after 30 (d) MONTHS from the mailing date of this communication of 37 CFR 1.73(d). If the second of the second expect of the mailing date of this communication, event and the mailing date of this communication. Fallure to repty within the set or extended period for repty will, by exhalting, ensure the application to become ABANDONED (38 U.3.C. § 133). Second patent term adjustment. See 37 CFR 1.704(d). Status 1)	Office Action Summary	Examiner	Art Unit					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>1</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. □ Expensions of time may be available under the protection of 37 CFR 1.13(d), in no event, however, may a reply be timely filled □ this period for reply specified above, the maximum statutory period will apply and will expire SIX (5) MONTH's from the mailing date of this communication for reply specified above, the maximum statutory period will apply and will expire SIX (5) MONTH's from the mailing date of this communication. □ Failors to reply specified above, the maximum statutory period will apply and will expire SIX (5) MONTH's from the mailing date of this communication. □ Failors to reply specified above, the maximum statutory period will apply and will expire SIX (5) MONTH's from the mailing date of this communication. □ Failors to reply specified above, the maximum statutory period will apply and will expire SIX (5) MONTH's from the mailing date of this communication. □ Failors to reply specified above, the maximum statutory period will apply and will expire SIX (5) MONTH's from the mailing date of this communication. □ Six and the specific date of the communication (8) filted on 28 July 2003. □ Six and the specific specified will be considered to the mailing date of this communication. □ Six and the specific specific specified will be provided to the specific specified and accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims □ Claim(s) 1-3 and 19-44 is/are pending in the application. □ Claim(s) 1-3 and 19-44 are subject to restriction and/or election requirement. Application Papers □ Claim(s) 1-3 and 19-44 are subject to restriction and/or election requirement. Application Papers □ The precipit specific dation is objected to by the Examiner. □ The drawing(s) filled on is/are: a) accepted or b) objected to by the Examiner. □ The drawing(s) filled on is/are: a)								
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This action is FINAL. 2b) This action is non-final. 3 Since this application is in condition for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.	A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing	66(a). In no event, however, may a reply be time within the statutory minimum of thirty (30) days ill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	ely filed will be considered time the mailing date of this c (35 U.S.C. § 133).	ly. ommunication.				
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a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 1 Notice of Informal Patent Application (PTO-152)	Priority under 35 U.S.C. § 119							
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Application/Control Number: 10/628,174

Art Unit: 1763

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-3, 19-41 and 43, drawn to an etching process, classified in class 216, subclass 63.
- II. Claims 42 and 44, drawn to an electron beam apparatus, classified in class 156, subclass 345.4.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the electron beam apparatus could be used to induce deposition rather than etching.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

A telephone call was made by examiner Shamim Ahmed to Kenneth Mitchell on May 13, 2005 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Application/Control Number: 10/628,174

Art Unit: 1763

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allan Olsen whose telephone number is 571-272-1441. The examiner can normally be reached on M-F 1-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Parviz Hassanzadeh can be reached on 571-272-1435. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Allan Olsen Primary Examiner Art Unit 1763